

04-29-03

RCE/1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CANTOR *et al.*

Serial No.: 09/030,571

Confirmation No.: 7542

Filed: February 24, 1998

For: *POSITIONAL SEQUENCING BY
HYBRIDIZATION*

Art Unit: 1634

Examiner: Forman, B. J.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: April 25, 2003

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U.S. Patent and Trademark Office
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TRANSMITTAL LETTER

Commissioner for Patents
P. O. Box 2327
Arlington, VA 22202

Dear Sir:

Transmitted herewith are a Preliminary Amendment and Request for Continued Examination (RCE) pursuant to 37 C.F.R. §1.114, responsive to the Office Action mailed January 21, 2003 (42 pages); marked up specification paragraphs and claims showing changes made in accord with 37 CFR §1.121 (28 pages); RCE Transmittal form in duplicate (2 pages); a Supplemental Information Disclosure Statement (2 pages), Form PTO-1449 (2 pages), and copies of 26 citations; a check in the amount of \$430 for the fees for a one month extension of time (\$55) and for filing of an RCE (\$375); and a return postcard in connection with the above-captioned patent application. If it is determined that an additional fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213 for the appropriate fee as stated below. If a Petition for extension of time is needed, this paper is to be considered such Petition.

- ☒ The Commissioner is hereby authorized to charge the deficiency in the above check and any fee that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:

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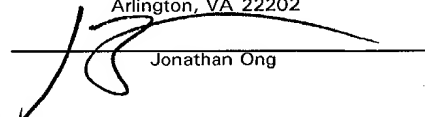
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**PRELIMINARY AMENDMENT AND REQUEST FOR CONTINUED EXAMINATION
PURSUANT TO 37 C.F.R. §1.114**

Commissioner for Patents
P. O. Box 2327
Arlington, VA 22202

Dear Sir:

Responsive to the Final Office Action, mailed January 21, 2003, and in connection with the filing of a Request for Continued Examination (RCE) of the above-captioned application, Applicant requests consideration and entry of the following Preliminary Amendment. In addition, in accordance with 37 C.F.R. §1.114(c), an Information Disclosure Statement and copies of the references are provided herewith as a further submission in connection with the filing of the RCE.

IN THE SPECIFICATION:

Please replace the paragraph on page 2, lines 1-15 with the following:

The second study describes a procedure whereby DNA is sequenced using a variation of the plus-minus method (F. Sanger *et al.*, Proc. Natl. Acad. Sci. USA 74:5463-67, 1977). This procedure takes advantage of the chain terminating ability of dideoxynucleoside triphosphates (ddNTPs) and the ability of DNA polymerase to incorporate ddNTP with nearly equal fidelity as the natural substrate of DNA polymerase, deoxynucleoside triphosphates (dNTPs). A primer, usually an oligonucleotide, and a template DNA are incubated together in the presence of a useful concentration of all four dNTPs plus a limited amount

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